

REMARKS

Claims 21 and 23 are amended. Claims 1-23, as amended, remain in the application. No new matter is added by the amendments to the claims.

In the Office Action dated November 18, 2004, the Examiner rejected Claims 21-23 under 35 U.S.C. 103(a) as being unpatentable over Shimasaki et al (6257176) in view of Vanderpoel (6422186). The Examiner stated that Shimasaki et al shows a rocker assembly having a cavity at 59, a first piston 52, a pin 53, a spring at 54, a first follower arm 24, a second follower arm 25, and valve stems 16. The Examiner further stated that there is no hydraulic lash adjustment device in Shimasaki et al., but that Vanderpoel discloses (figure 2) a lash adjustment device including a spring and piston which contacts a valve stem 1 which is selectively (dis)engageable for compression release or exhaust gas recirculation and, therefore, it would have been obvious to one of ordinary skill in the art to use the lash adjuster device of Vanderpoel in Shimasaki et al.

Applicants amended Claim 21 by adding a "means for deactivating said hydraulic lash adjustment device actuated during movement of said shuttle pin between the first position and the second position." As admitted by the Examiner, Shimasaki et al. does not have a hydraulic lash adjustment device. Vanderpoel teaches lash adjustment activation in one mode of operation of the engine and deactivation in another mode of operation of the engine. There is no teaching or suggestion of deactivating lash adjustment during a transfer between two modes of operation as defined by amended Claim 21.

Applicants amended Claim 23 to define that the hydraulic lash adjustment device is selectively engagable and disengagable by the means for deactivating controlling a flow of pressure fluid to the hydraulic lash adjustment device through a groove formed on the shuttle pin. Such a construction is not shown in nor suggested by the cited references.

Applicants appreciate the allowance of Claims 1-20.

In view of the amendments to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.